

REMARKS

The rejection of Claims 9-12 as being unpatentable over Ishii et al., in view of Yamashita under 35 U.S.C. § 103(a) is traversed. Reconsideration is respectfully requested in light of the foregoing amendment to independent Claim 9, which amendment finds antecedent in paragraph [0017] of the Substitute Specification, and the following remarks.

Although arguable the Ishii et al., control apparatus shares some common features with the present invention, neither Ishii et al., nor the present invention share anything in common with the Yamashita et al., control apparatus, in particular the second embodiment shown in Fig. 14 and described at col. 11, line 55 to col. 12, line 52. That is, the Yamashita et al., control apparatus is not concerned with an HC adsorbent but rather and NO_x catalyst downstream of a three-way catalyst.

One skilled in the art will thus immediately appreciate that the Yamashita et al., apparatus would not suggest its use in the type of apparatus disclosed in the Ishii et al., control apparatus using a hydrocarbon adsorbent later. On one hand, an NO_x catalyst has very different characteristics from that of HC adsorbent. The temperature of the NO_x catalyst is raised by the reaction heat of the NO_x catalyst itself caused in turn by rich/lean control. On the other hand, the temperature of HC adsorbent arranged downstream of a three-way catalyst on the engine's exhaust side is raised by the heat of the exhaust gas

passing through the three-way catalyst whose temperature is raised by rich/lean control.

In summary, use of the Yamshita et al., apparatus in the Ishii et al., control apparatus, aside from impermissible hindsight, would make no technical sense given the difference in principles of operation of each. Accordingly, early and favorable action is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #056207.51363C1).

Respectfully submitted,

June 4, 2007

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